

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Northern District of Texas

*Matt Tol* 4407  
6/28/13 9:34AM  
7/1/13 1:51PM  
7/2/13 11:41AM

Pray )  
\_\_\_\_\_  
*Plaintiff* )  
v. ) Civil Action No. 3:13-cv-02461-L  
\_\_\_\_\_  
*Commercial Recovery Systems Inc* )  
*Defendant* )

**Summons in a Civil Action**

**TO:** Commercial Recovery Systems Inc c/o Tim Ford  
805 East R L Thornton Frwy, Suite 305  
Dallas, Texas 75228

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff's attorney, whose name and address are:

Noah Radbil  
5025 N. Central Ave.  
# 602  
Phoenix , AZ 85012

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

*[Signature]*

Signature of Clerk or Deputy Clerk



DATE: 06/27/2013

**AFFIDAVIT OF MATTHEW FOSTER**

My name is **MATTHEW FOSTER**, I am over the age of eighteen and I am competent to make this affidavit. The facts stated here in are true & correct.

**UNITED STATES DISTRICT COURT  
For the  
Northern District of Texas**

**PRAY**

Plaintiff

V

Civil Action No. 3:13-cv-02461-L

**COMMERCIAL RECOVERY  
SYSTEMS INC.**

Defendant

On the 27<sup>th</sup> day of June, 2013 @ 12:10pm I received a SUMMONS AND COMPLAINT for delivery to **COMMERCIAL RECOVERY SYSTEMS, INC.** by delivering to **TIM FORD** at 805 East R.L. Thornton Freeway, Suite 305, Dallas, Texas 75228.

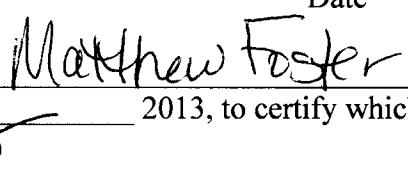
06/28/13 @ 09:34am – I visited **COMMERCIAL RECOVERY SYSTEMS, INC.** located at 805 E. R.L. Thornton Freeway, Suite 305, Dallas, Texas 75228. I spoke with Debra at the payment window in the accounting department. I asked Debra if I could speak with Tim Ford, she stated he was not in and did not know when he would be.

07/01/13 @ 01:51pm – I spoke with Deena at the payment window in the accounting department. I asked Deena if I could speak with Tim Ford, she stated he was not in and did not know when he would be.

07/02/13 @ 11:41am – I again spoke with Deena at the payment window in the accounting department. I asked Deena if I could speak with Tim Ford, she stated he was not in. Deena told me that most of the employees of the company had been terminated earlier that morning and thought the company might be going out of business. Deena then stated she was tired of dealing with process server. Deena also stated that Tim Ford never came in and would not make him self available to accept legal documents.

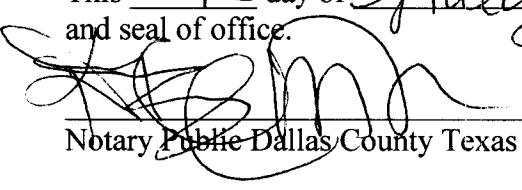
  
Matthew Foster

SCH0000004907

  
7/13/13

Date

Signed and sworn to by the said Matthew Foster before me  
This 13 day of July 2013, to certify which witness my hand  
and seal of office.

  
Notary Public Dallas County Texas



Civil Action No. 3:13-cv-02461-L

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for (*name of individual and title, if any*) Commercial Recovery Systems, Inc.  
was received by me on (*date*) 6/27/2013.

I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_  
, a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (*specify*): The summons and complaint were delivered to Commercial Recovery Systems,  
Inc. by delivering to the Texas Secretary of State

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 7/23/2013

  
SCH0000004907 3/31/15  
*Server's signature*

Matt Foster Process Server  
*Printed name and title*

3523 McKinney Ave., Suite 726  
Dallas, TX 75204

*Server's address*

Additional information regarding attempted service, etc:

The summons and complaint were delivered to Commercial Recovery Systems, Inc. by delivering to Service of Process, Secretary of State via U.S. Certified Mail to Service of Process, Secretary of State, P.O. Box 12079, Austin, TX 78711

## C SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Service of Process  
Secretary of State  
P.O. Box 12079  
Austin TX 78711-2079

2. Article Number  
(Transfer from service label)

7011 3500 0003 0394 2848

PS Form 3811, February 2004

Domestic Return Receipt

39

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

 Agent Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

TPASS/CPA

JUL 19 2013

## 3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

## 4. Restricted Delivery? (Extra Fee)

 Yes

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

OFFICIAL USE

AUSTIN TX 78711

Postage	\$ 2.58	0126
Certified Fee	\$3.10	
Return Receipt Fee (Endorsement Required)	\$2.55	07/19/2013
Restricted Delivery Fee (Endorsement Required)	\$0.00	Postmark Here
Total Postage & Fees	\$ 8.23	7/19/2013

Sent to Secretary of State  
Street, Apt. No.  
or P.O. Box No. P.O. Box 12079  
City, State, ZIP+4 Austin, TX 78711-2079

PS Form 3800, August 2006      See Reverse for Instructions

• Sender: Please print your name, address, and ZIP+4 in this box •

A.P.S. Process Services  
3523 McKinney Ave. #726  
Dallas, TX 75204